

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ALAN WILLIS, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

vs.

BIG LOTS, INC., STEVEN S. FISHMAN,  
JOE R. COOPER, CHARLES W. HAUBIEL, II  
and LISA M. BACHMANN,

Defendants.

No. 2:12-cv-00604-GLF-EPD

**STIPULATION AND [PROPOSED] SCHEDULING ORDER**

WHEREAS, on July 10, 2012, defendants Big Lots, Inc. and Joe R. Cooper were served with the Complaint, dated July 9, 2012; on July 11, 2012, defendants Lisa M. Bachmann and Charles W. Haubiel, II, were served with the Complaint; and on July 12, 2012, defendant Steven S. Fishman (collectively, “Defendants”) agreed to accept service of the Complaint;

WHEREAS, the parties wish to establish a schedule for the efficient conduct of this litigation; and

WHEREAS, in accordance with the provisions of the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 (the “PSLRA”), discovery and other proceedings shall be stayed during the pendency of any motion to dismiss the operative complaint in this matter, pursuant to 15 U.S.C. § 78u-4(b)(3)(B);

IT IS HEREBY STIPULATED AND AGREED between the parties that,  
subject to the approval of the Court:

1. Defendants shall have no obligation to move against, answer or otherwise respond to the Complaint until after the appointment of Lead Plaintiff(s) and Lead Counsel in this action, in accordance with the schedule set forth herein.
2. Following entry of an Order appointing Lead Plaintiff(s) and Lead Counsel in this action, Lead Plaintiff(s) shall have thirty (30) days within which to file an amended complaint or consolidated amended complaint.
3. Defendants shall have thirty (30) days from either (a) filing of an amended complaint or consolidated amended complaint, if one is filed; or (b) the expiry of the thirty-day period described in paragraph 2 above, if no amended complaint or consolidated amended complaint is filed, to move against, answer or otherwise respond to the then-operative complaint in this action.
4. In the event that Defendants move to dismiss the then-operative complaint, Lead Plaintiff(s) shall have thirty (30) days from the filing of such motion(s) to file and serve any brief(s) in opposition. Defendants shall have fifteen (15) days from filing of such brief(s) in opposition to file and serve any brief(s) in reply.
5. In accordance with the automatic stay of discovery during the pendency of any motion to dismiss provided for by the PSLRA, 15 U.S.C. § 78u-4(b)(3)(B), the parties agree that all discovery-related matters, including, but not limited to, the discovery conference, joint discovery plan and initial disclosures provided for by Fed. R. Civ. P. 26(a)(1) and 26(f), shall be stayed until after the Court rules upon Defendants' motion(s) to dismiss, unless the Court finds, upon the motion of any party, that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party.

DATED: July 27, 2012

Respectfully submitted,

**MURRAY MURPHY MOUL + BASIL LLP**

/s/ Joseph F. Murray

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*Counsel for Plaintiffs*

DATED: July 27, 2012

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*Of Counsel*

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**ORDER**

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

DATED: August 6, 2012

s/ Norah McCann King  
UNITED STATES MAGISTRATE JUDGE